



PLANNED DEVELOPMENT REZONING APPLICATION

- I. The filing deadline will be Friday, _____, 20____, before 5:00 p.m. Please submit this application to the City of Fort Smith Planning Department, 623 Garrison Avenue, Room 331.
- II. There will be a study meeting of the Planning Commission, Tuesday, _____, 20____, at 11:30 a.m. in the Creekmore Park Community Center. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- III. The Planning Commission meeting will be Tuesday, _____, 20____, at 5:30 p.m. in the Rose Room of the Creekmore Park Community Center. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- IV. A processing fee of \$350.00 shall accompany this application to cover the administrative costs of advertising the public notice and notifying neighboring property owners.
This fee is Non-Refundable.

TEN DAYS PRIOR TO THE PLANNING COMMISSION MEETING, THE PLANNING DEPARTMENT STAFF WILL POST SIGNS, LIKE THE ONE SHOWN BELOW, AT THE SUBJECT SITE. PLEASE LEAVE THE SIGN IN PLACE UNTIL REMOVED BY THE PLANNING DEPARTMENT STAFF. WE WILL REMOVE THE SIGNS THE DAY FOLLOWING THE PLANNING COMMISSION MEETING OR SOON THEREAFTER.



CHECKLIST FOR PLANNED DEVELOPMENT REZONING APPLICATION

Please use this checklist to verify that your application is complete.

- ☐ **Pre-Application Conference** (Pursuant to Section 27-302)
- ☐ **Complete Application & Submit Development Plan**
- ☐ **Traffic Study** (Traffic Impact Analysis or Traffic Statement)
- ☐ **Development Standards Utilized**
 - ☐ Site Standards
 - ☐ Density Bonus
- ☐ **Legal Description of Subject Property**
- ☐ **Street Address**
- ☐ **Existing Zoning Classification**
- ☐ **Proposed Zoning Classification**
- ☐ **Submit Master Land Use Plan Amendment (if required)**
- ☐ **Signature of Owner or Agent Authorized by Owner**
- ☐ **Indicate Whether Restrictive Covenants Apply**
- ☐ **List of Property Owners Within 300 Feet**
- ☐ **List of all Property Owners to be Rezoned**
- ☐ **Authorization of Agent-Owners Names & Signatures**
(if using an agent)
- ☐ **Vicinity Map of Subject Property**
- ☐ **Zoning & Land Use Maps** *(Staff will assist applicant in preparing these maps)*
- ☐ **Processing Fee of \$350.00**
- ☐ **Neighborhood Meeting** (Pursuant to Section 27-304)

Additional Information-Restrictive Covenants

What's the Purpose of Restrictive Covenants?

Restrictions give a development a more standard appearance and control some of the activities that take place within its boundaries. When enforced, covenants protect property values.

What You'll Always See in Covenants

Restrictive covenants nearly always stipulate the minimum size residence allowed, how many homes may be built on one lot, and what type of construction the homes must (or must not) be.

More Topics You'll See in Restrictive Covenants

- Set backs (how far homes must be from streets and interior lot lines).
- Easements (such as a pathway for power lines or roads).
- Fees for road maintenance or amenities.
- Rules regarding changing or voiding the covenants.
- Rules about pets and other animals (for instance: no breeding for profit, no livestock, no unchained pets).
- Regulations dealing with in-home businesses and home rentals.
- Rules that limit tree-cutting.
- Clauses that dictate what type of fencing can be used, or that forbid all types of fencing.
- Clauses to reduce clutter on lots, such as prohibiting owners from storing a vehicle that doesn't run within view of others, or parking a recreational vehicle on the property.
- Some restrictions limit the paint colors that can be used on a home's exterior or might require that all homes have a certain type of siding.
- In areas where wildfires are a problem, covenants might require you to use only fire retardant building materials.

INSTRUCTIONS FOR COMPLETING FORMS REQUESTING REZONING

ITEMS REQUIRED FOR EACH APPLICATION.

A. PRE-APPLICATION CONFERENCE

1. A meeting with the Planning & Zoning Department is required (To be held at least ten (10) days before the submission date. (application deadline)

B. PETITION FOR CHANGE IN ZONING MAP

1. Complete the application.
2. Submit any development plans to help explain the proposed zone change.
(*Note: Development plans will not be required for neighborhood or corrective rezonings*)
3. Submit companion Master Land Use Plan Amendment (if necessary).

C. TRAFFIC STUDY FOR REZONING

1. Submit Traffic Impact Analysis or Traffic Statement per Section 27-503-7.

D. DEVELOPMENT STANDARDS OPTIONS

1. Revisions to Site Standards Option-(setbacks or lot sizes up to 25% reduction)
2. Density Bonus Option-(15% increase in density for higher development standards and enhanced site amenities)

(*See Unified Development Ordinance, Section 27-329-6*)

E. NOTICE OF PUBLIC HEARING

1. Provide the legal description of the property included in the rezoning request in the space indicated.
2. Provide the street address of the property.
3. Provide the existing zoning classification of the property.
4. Provide the proposed zoning classification.
5. Date of hearing will be provided by the City.
6. The notice must be signed by the owner.

F. LETTER REGARDING RESTRICTIVE COVENANTS

1. If you have restrictive covenants, enter any part of a restrictive covenant applicable to the property that appears to prohibit this rezoning request.
2. If there are no restrictive covenants in effect or no statement in your existing covenant, enter the word NONE on the attached statement.

G. LIST OF OWNERS OF SURROUNDING PROPERTY WITHIN 300 FEET

List the names and addresses of the owner(s) of all property within 300 feet of the petitioned property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse, Room 107. Please call the Tax Assessor's Office at 783-8948 to schedule an appointment. A small charge will be assessed for this

service. (The Planning Department will mail the notices for you.)

H. LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and address of all property owners included within the area requested by this petition to be rezoned.

I. AUTHORIZATION OF AGENT

1. If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

J. MAPS OF THE AREA

1. Provide a vicinity map showing the location of the property requested for rezoning.
2. Provide a zoning district map.
3. Provide a land use map.

K. FILING FEE AND OTHER COSTS

1. A processing fee of \$350.00 must be paid to the City of Fort Smith at the time of filing the application. **This fee is Non-Refundable.**

L. NEIGHBORHOOD MEETING

1. Notify all properties within 300 feet of the petitioned property.
2. Written notice of meeting time & place provided to Planning Department and residents/ property owners fourteen (14) days prior to neighborhood meeting.
3. Provide summary report and attendance list of meeting to Planning & Zoning Department.

All zoning is by ordinance, and only the City Board of Directors has the authority to make or change an ordinance. The Board of Directors has assigned the study of zoning and rezoning to the City Planning Commission, which will make a recommendation to the Board. If the Planning Commission recommends this request for rezoning, it will not be effective until it has been passed and approved by the Board of Directors.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
2. Address of property: _____
3. The above described property is now zoned: _____
4. Application is hereby made to change the zoning classification of the above described property to _____ by _____.
(Extension or classification)
5. Why is the zoning change requested?

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Owner or Agent Name
(please print)

Owner

or

Owner or Agent Mailing Address

Agent

Owner or Agent Phone Number

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Address of property _____ has filed with the Director of Planning a
(Street Address)
written application pursuant to Section 4-1 of the Zoning Code of the City of Fort Smith

Arkansas, to request a zone change from _____ to _____

by _____.
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen(15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

Signature

(If no restrictive covenants exist, indicate "none".)*

LIST OF OWNERS OF ALL PROPERTY WITHIN 300 FEET

(Please Type or Print)

The Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 for an appointment. (The Planning Department will mail the notices for you.)

NAME

ADDRESS

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME

ADDRESS

- | | |
|-----------|-------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |
| 6. _____ | _____ |
| 7. _____ | _____ |
| 8. _____ | _____ |
| 9. _____ | _____ |
| 10. _____ | _____ |

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize _____ to act as our agent in the
(Print Name of Agent)
matter.

(Type or clearly print)

<u>NAMES OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

This form is necessary only when the person representing this request does not own all property.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location_____

Meeting Time & Date_____

Meeting Purpose_____

NAME

ADDRESS

PHONE #

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

27-329 Rezoning: Planned Development District

27-329-1 Purpose

Planned Development District (PD) rezoning is appropriate for the purpose of providing design flexibility not normally available through standard zoning procedures. Planned Development District rezoning is available in any zoning district classification except Mixed Use and Residential Historic. For example, an applicant seeking to rezone from a low density residential district to a high density residential district may apply for a RS-4 Planned Development that will allow all of the uses of the RS-4 with the flexibility of the Planned Development site planning as described below. Planned Development rezoning is intended to encourage high quality smart growth development that provides:

- A. More efficient infrastructure;
- B. Reduced traffic demands;
- C. More usable public or private open space and pedestrian connectivity;
- D. Needed housing choices and affordability;
- E. Assurance of new quality development; and
- F. Protection of the quality and integrity of existing neighborhoods.

Planned Development approval is a two-step process – approval of a preliminary development plan followed by approval of a final development plan. Preliminary Plan approval may take place at the same time as rezoning if both applications are submitted together. The approved final development plan shall serve as a basis for use (permitted within the district), density, and design criteria.

The sale, subdivision or re-platting of the lot after zoning approval does not exempt the project from complying with applicable development standards, architectural quality, sign concepts, or other conditions that were committed to at the time of rezoning.

27-329-2 Applicant

A proposal for zoning change may be initiated by the Board of Directors, Planning Commission, or upon application or petition of property owners or the owner's agents.

27-329-3 Applicability

Planned Development zoning should be used when the applicant is seeking to vary the requirements and lot sizes of the basic zone district classification.

27-329-4 Pre-Application Conference

A pre-application conference is required pursuant to Section 27-302

27-329-5 Submission Requirements

The Director shall prepare an application form which specifies the information to be submitted in support of a Planned Development rezoning application. This shall include, at a minimum:

- A. Plan.** Preliminary development plan pursuant to Section 27-331.
- B. Application Fee**
- C. Traffic Study for Rezoning.** When the proposed land use associated with a rezoning application has the potential to change traffic patterns or create congestion, the Director may require that the applicant provide a Traffic Impact Analysis or Traffic Statement as described in Section 27-503-7.
- D. Application Information.** Other information as specified by the application form.
- E. Additional Information.** Any additional information as requested by the Director, City Engineer, other City departments/agencies, Planning Commission, or Board of Directors.

27-329-6 Development Standards

- A. Revisions to Site Standards.** All applications for Planned Developments (PDs) may propose to revise site standards such as setbacks or lot sizes provided that they are reduced to not less than 25% of the underlying district standard and provided the revisions are appropriate to the location and design of the development.
- B. Density Bonus.** A density bonus of up to 15% over what is allowed by the underlying zoning district may be granted to projects that offer higher development standards and enhanced site amenities such as:
 - 1. Provide additional landscaping and buffering beyond the minimum amounts required under the UDO design guidelines;
 - 2. Provide quality enhancements to the overall architectural design for the site;
 - 3. Utilize a unified signage design theme;
 - 4. Dedication of park land and open space, including recreation facilities;
 - 5. Maximizing traffic efficiency and connectivity while minimizing congestion by providing shared access to existing businesses and proposed land uses;

27-329-7 Application and Review Procedures for the Rezoning Application and Preliminary Development Plan

- A. Determination of Completeness.** Applications shall be submitted to the Director for a determination of completeness pursuant to Section 27-303. An application is complete when all of the items required by the UDO and on the application form are prepared and answered, and when any required supplemental or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fee to the Planning and Zoning Department.

B. Neighborhood Meeting. The applicant shall comply with the requirements for a neighborhood meeting pursuant to Section 27-304.

C. Planning Staff Review. Following a determination of completeness, the Planning Staff shall review the application pursuant to Section 27-305.

D. Notice and Public Hearing. Following the completion of the Planning Staff review and required neighborhood meetings, the applicant shall be scheduled for a public hearing before the Planning Commission. Notice shall be provided, published, mailed and posted pursuant to Section 27-308.

E. Factors to be Considered.

1. Rezoning Application -- Approval, approval as amended, or denial of the Planned Development rezoning application shall be based on consideration of the following factors:
 - a. Compatibility with the Comprehensive Plan, Master Land Use Plan, Master Street Plan, and appropriate Area Plans (such as corridor or neighborhood plans).
 - b. The character of the neighborhood.
 - c. The zoning and land use of adjacent and nearby properties and their compatibility with the request.
 - d. The extent to which the proposed land use is necessary for the convenience and welfare of the public and a determination that the rezoning request shall not detract from the appropriate land use, visual quality or marketability of nearby properties.
 - e. The extent to which the proposed land use would increase traffic or parking demand volumes in a negative way that could adversely affect road capacities, conditions, and safety; or create parking problems.
 - f. The extent/degree in which the proposed land use could either cause negative environmental consequences or conversely positively enhance the aesthetic environment of the surrounding properties and neighborhoods.
 - g. The extent to which public utilities and services are readily available to serve the proposed land use.
 - h. That the application shall comply with all relevant ordinance requirements.
 - i. The relative gain to the public health, safety, and welfare as compared to the hardship imposed upon the individual landowner or landowners.

2. Preliminary Development Plan-The following criteria shall be considered when reviewing the Preliminary Development Plan:
 - a. The development meets the terms of the underlying zoning district and Planned Development District standards established by the provisions of Section 27-329-6;
 - b. The site is capable of providing the required amount of open space (green space) for the buildings, parking and drive areas;
 - c. The site plan provides for safe and easy ingress, egress and internal traffic circulation;
 - d. All easements and utilities shall be at or above the engineering standards & service capacities of the approving departments and agencies;
 - e. The plan is consistent with good land use planning and site engineering design principles, particularly with respect to safety and aesthetics;
 - f. The architectural designs are consistent with the City of Fort Smith policies and regulations and compatible with surrounding features;
 - g. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies;
 - h. Right-of-way, as determined by the City's Engineering Department, has been identified for dedication.
 - i. Recreational and aesthetic amenities associated with the Planned Developments shall be of an equal or higher quality to what is required of normal (non-planned) developments.

F. Planning Commission Action.

Following the public hearing, the Planning Commission may recommend approval, approval as amended, or denial by a majority vote of the entire Planning Commission. The Planning Commission may also table/continue the application to a later date.

1. The Planning Commission shall certify recommendations of approval or approval as amended to the Board of Directors for further procedure in conformity with A.C.A. tit. 14, ch. 56, subch. 4 [§14-56-401 et. seq.]
2. The Planning Commission's certified recommendations shall be automatically placed on the agenda of the Board of Directors at the second regularly scheduled meeting following action by the Planning Commission.

G. Appeal.

Applicants may appeal the decision(s) of the Planning Commission as follows:

1. If the Planning Commission denies a rezoning request or preliminary development plan so that no recommended action is certified by them to

the Board of Directors, the applicant shall have the right to file a request for the Board of Directors to review the decision of the Planning Commission.

2. Such right shall be exercised in the following manner or be considered waived:
 - a. File a written notice to appeal the Planning Commission decision with the City Clerk's office during normal business hours.
 - b. The appeal must be filed on or before the tenth calendar day following the Planning Commission's public hearing date on the proposed rezoning request, or following the date on which the Planning Commission handed down its decision of non- recommendation. Notice of the review of such decision to the Board of Directors shall be provided to those persons who were provided postal notice of the original application. The applicant who is filing the appeal shall pay a fee established by the Board of Directors to cover the cost of providing such notice.
3. The review shall be scheduled for the second regular meeting of the Board of Directors following the request for review deadline. After the filing of a notice of review, the request may not be withdrawn or the hearing date postponed without the approval of the Board of Directors.
4. If the Board of Directors, upon review, deny the application, the applicant shall not be permitted to re-apply for the same or substantially same request for a period of one (1) calendar year from the date of action by the Board of Directors.

H. Action by the Board of Directors.

When the Planning Commission certifies a proposed rezoning to the Board of Directors, the Board shall consider the criteria established in Section 27-329-7(E) and may take any action consistent with Sections 27-310 and 27-311, to include:

1. Approval of the application and preliminary plan;
2. Approval of the application and/or preliminary plan as amended; or
3. Denial of the application and preliminary plan.
4. Where there is new material evidence presented at the Board of Director's meeting that was not available to the Planning Commission, the Board may return the application and preliminary plan to the Planning Commission for reconsideration based on this new evidence.

I. Appeal.

Appeal of the final decision of the Board of Directors may be made to a court of record having proper jurisdiction.

J. Re-application.

If the Board of Directors denies a proposed preliminary development plan or rezoning application that the Planning Commission has certified for approval, the applicant shall not be permitted to reapply for the same or substantially similar request for a period of six (6) months from the date of the action from the Board Directors. After the six month

period has lapsed, the application may be resubmitted to the Planning Commission for consideration through a complete review process.

K. Determination of Re-application.

The Director shall determine whether a re-filed application for rezoning meets the requirements of these provisions and whether the new application is the same or substantially similar to the previous application. The Director may consult with other departments, the Planning Commission, or the Board of Directors to make this determination. Appeals to the Director's determination of Re-application shall be made to the Planning Commission. No further action shall be taken to process the application pending the Planning Commission's determination.

27-329-7 Amendments to Preliminary Development Plans

Once property has been rezoned to a Planned Development District, changes to the preliminary development plan may be made only after approval of a revised preliminary development plan. Minor revisions or changes that are not considered significant (pursuant to Section 27-329-8(a)) may be approved by the Director without a public hearing. If these revisions or changes are not approved they may be appealed to the Planning Commission. Significant changes may only be approved after a rehearing by the Planning Commission, which shall be subject to the same procedural requirements of the original application.

A. Criteria.

For the purposes of this section, significant changes shall be determined by the Director and shall mean any of the following as compared to the approved Preliminary Development Plan:

1. Any changes that exceed the provisions of Section 27-329-6 or other terms specified by the Planning Commission and/or Board of Directors;
2. Increases in density or intensity of residential uses by more than 5%;
3. Increases in total floor area (entire plan) of all nonresidential buildings by more than 5% or 5000 square feet, whichever is less;
4. Increases of lot coverage by more than 5%;
5. Changes in architectural style that shall make the project less compatible with surrounding land uses;
6. Changes in ownership patterns or stages of construction that shall lead to a different development concept;
7. Changes in ownership patterns or stages of construction that shall impose substantially greater traffic volumes on streets and load capacities on other public facilities;
8. Decreases in any peripheral setback of more than 5%;
9. Decrease in areas devoted to open space of more than 5% or the substantial relocation of such areas;

10. Changes to the traffic circulation patterns that shall affect traffic outside of the project boundaries;
11. Modification or removal of conditions and stipulations to the preliminary development plan approval;
12. Modifications that change, amend, or violate the terms of the Comprehensive Plan.

B. Appeal.

Appeal of the Director's determination of significance may be made to the Planning Commission, whose decision shall be final. No further action shall be taken to process the application pending the Planning Commission's determination.

27-329-9 Review and Approval: Final Development Plans

A. Contents:

As specified in Section 27-331-8.

C. Submitting Preliminary and Final Plans.

The developer may submit preliminary and final development plans simultaneously at such person's own risk.

D. Grading and Construction.

Permits for grading or construction shall be issued only after final plans have been approved by the Planning Commission.

E. Conditions for Approval.

Final plans shall be approved only after the following conditions have been met:

1. Final plans conform to the approved preliminary development plan and meet any special amendments or requirements imposed at the time of rezoning. Significant changes, as defined in Section 27-329-8(a) and determined by the Director, between the preliminary plan and the final plan shall be sufficient reason to require the resubmission of a preliminary plan.
2. If the project is being constructed in phases, each phase shall be functional and shall be adequately served by access drives, parking and utilities as a freestanding project and shall not have adverse effects on the neighborhood if the later phases of development are not carried out.

F. Director Action.

1. A final development plan (that contains no modifications or additions from the approved preliminary plan) shall be approved by the Director if it is determined that all of the submission requirements have been satisfied.

2. A final development plan (that contains modifications from the approved preliminary development plan but which changes are not significant pursuant to Section 27-329-8 as measured against the original approved preliminary development plan), may be approved by the Director if it is determined that all of the submission requirements have been satisfied.
3. If the final development plan has significant changes from the preliminary plan (pursuant to Section 27-329-8), it shall not be considered by the Director and shall be returned to the applicant.
4. Appeal of the Director's determination may be made to the Planning Commission, whose determination shall be final. No further action shall be taken to process the application pending the Planning Commission's determination.

27-329-10 Abandonment of Final Development Plan

A. Termination.

If a plan or section of a plan is given final approval, but the landowner/applicant abandons the plan, then the final approval shall be considered terminated and void.

B. Process.

Abandonment may proceed as such: 1. Notification to the City in writing by the landowner/applicant that the approval has been abandoned; or 2. Failure to commence construction or obtain a building permit within 18 months of approval.

C. Extension.

Prior to a determination of abandonment, an applicant may make a written request to the Planning Commission for a one-time, six month extension of the final approval provided there is a valid reason for the extension. Any further requests for a time extension must be made to the Board of Directors.

D. New Plan.

Whenever a final plan or section thereof has been abandoned by the landowner/applicant no development shall take place on the property until a new final development plan has been approved.